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Great Lakes Water Quality Agreement



The
International
Joint
Commission

United States and Canada

The International Joint Commission

The Boundary Waters Treaty of 1909 between the United States and Canada established the International Joint Commission, a binational body with three members appointed by each country, which acts as a single unit, reaching decisions by simple majority. Since the Treaty was entered into primarily to prevent disputes regarding the use of boundary waters and to provide for the adjustment and settlement of questions arising between the two countries along their common frontier, it has provided the framework for cooperation on questions relating to air and water pollution and the regulation of water levels and flows.

The Commission functions under the Treaty are: (1) Quasi-judicial — It approves applications to construct and operate dams or other works that will affect the natural levels or flows of waters specified in the Treaty. Orders of Approval contain conditions to ensure suitable protection or indemnity of all interests which might be injured by the works approved. International Boards of Control ensure compliance with the Orders of Approval. (2) Investigative — It investigates questions, involving the rights, obligations or interests of either country along their frontier, which are referred by the Governments for investigation and report. Following the investigation, which includes both technical studies and public hearings, the Commission reports to the Governments with its conclusions and recommendations for action. (3) Surveillance/coordination — At the request of the Governments, the Commission may monitor or coordinate implementation of the IJC recommendations that the Governments have accepted. This is usually done through a Commission-appointed international board of technical experts.

International Joint Commission Great Lakes Water Pollution Studies

Article IV of the Boundary Waters Treaty contains the succinct statement "that the waters herein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other."

Beginning in 1912 and intermittently up to 1964, the IJC carried out several investigations of water quality in the Great Lakes and their connecting channels at the request of the two Governments. Studies begun in 1964 on Lake Erie, Lake Ontario and the International Section of the St. Lawrence River resulted in a 1970 IJC report containing a detailed assessment of the water quality and comprehensive recommendations for action by Governments of Canada and the United States.

The IJC recommendations were generally accepted by the Governments, and a principal outcome was the Great Lakes Water Quality Agreement which was signed by the Prime Minister of Canada and the President of the United States on April 15th, 1972.

This Agreement is unique in that while recognizing the rights of each country in the use of the Great Lakes, it expressed the determination of each country to restore and enhance the water quality of the Great Lakes System in the provisions of its various articles. Water quality objectives, both general and specific, were enumerated for the boundary waters. Programs and other measures to achieve the objectives were to be developed and in the process of implementation by December 31, 1975. Additional powers and responsibilities were given to the IJC, which was to "assist in the implementation of this Agreement" by analysing and disseminating information on water quality and the effectiveness of pollution control programs, and advising Governments on Great Lakes water quality problems. New institutions were created to assist the IJC to discharge these powers and responsibilities. Though the Agreement is only between the Governments of the United States and Canada, the Province of Ontario and the States of Ohio, New York, Pennsylvania, Indiana, Illinois, Michigan, Wisconsin and Minnesota are active participants in its implementation.

Great Lakes Water Quality Board

The Agreement specified the establishment of a Great Lakes Water Quality Board to assist the IJC. The Board is the principal advisor to the Commission in matters of Great Lakes water quality. It has eighteen members: one from each of the eight Great Lakes States and the Environmental Protection Agency in the United States, and nine Canadian members from Environment Canada, Transport Canada, the Ontario Ministries of Environment and Natural Resources, and the Government of Quebec.

The Board established an Implementation Committee which drafts the Board's annual reports to the Commission on the progress and problems of implementing the Agreement. A number of permanent subcommittees gather and evaluate data and information from the many jurisdictions and assist the Implementation Committee in its task. The Water Quality Objectives Subcommittee develops specific water quality objectives for consideration by the Board. On the advice of the Board, the IJC may recommend that the two Governments approve them and incorporate them into the Agreement. A Remedial Programs Subcommittee reviews the need for and progress of programs such as construction and upgrading of municipal sewage treatment facilities, industrial pollution abatement, and phosphorus removal. The Surveillance Subcommittee plans monitoring programs and assesses water quality to determine the results of remedial programs. The Radioactivity Subcommittee reviews radioactivity objectives, assesses compliance with the radioactivity surveillance plan and advises the Board on water quality problems associated with nuclear development in the Great Lakes Basin.

The Board's Great Lakes Water Quality report is presented to the Commission each July. Summaries are available from the Regional Office as are limited quantities of the reports.

Great Lakes Research Advisory Board

The Great Lakes Research Advisory Board has sixteen members, eight from each country. Members are drawn from the federal governments, universities, industry, citizens, provincial (Ontario) government and, on a rotating basis, two states. Appointments are made for three-year terms. The Board also has two ex-officio members: the President of the International Association for Great Lakes Research; and the Executive Secretary for the Great Lakes Fishery Commission.

The Board is the Commission's chief advisor on the co-ordination of Great Lakes water quality research and dissemination of related information. Its mandate is to review research activities relating to the water quality of the Great Lakes System to examine the adequacy of the results, their reporting and application; to identify deficiencies in their scope and funding; and to identify further research needed, and areas in which international cooperation would be beneficial. To achieve these objectives the Board has been given wide powers to obtain analyses, assessments and recommendations from other professional, academic and citizens' groups.

Task forces and three expert committees assist the Board. Task forces are established on an ad-hoc basis to deal with specific issues requiring intensive interdisciplinary investigation. The role of the three expert committees, in part, is to: provide continuing expert advice and synthesis of scientific opinion on new and continuing problems based on members' personal expertise and familiarity with problems raised in IJC-generated reports; identify research deficiencies and opportunities in Canada and the United States; and, assist the Board in advising the IJC by recommending specific activities such as task forces and workshops. The three committees respectively consider ecosystem, societal, and engineering and technological aspects of Great Lakes water quality. Two additional committees function to prepare the annual report of the Board and the Research Needs Report. To aid in the preparation of the latter, the Board publishes a Directory of Great Lakes Research and Related Activities. All reports are available from the Regional Office.



Pollution From Land Use Activities Reference Group

In 1972 the Commission established the International Reference Group on Pollution from Land Use Activities (PLUARG) to carry out studies required to answer the following questions:

1. Are the boundary waters of the Great Lakes System being polluted by land drainage from man-made and natural sources?
2. If the answer to (1) is yes, to what extent, by what causes and in what localities is the pollution occurring?
3. What remedial measures would be most practicable and what would be their probable costs?

The eighteen member Reference Group has an equal number of United States and Canadian members. Four task groups, their technical advisors and expert committees assist the Group.

The studies were designed to:

1. Assess problems, management programs and research on the effects of land use activities on water quality in boundary waters of the Great Lakes.
2. Inventory land use and land use practices for trends and projections to 1980, and 2020.
3. Study intensively a small number of representative watersheds to enable some extrapolation of data to the entire Great Lakes Basin and relate specific land uses and practices to contamination of water quality by Great Lakes streams.
4. Diagnose degree of impairment of water quality in the Great Lakes resulting from land use activities.

Since PLUARG's recommendations could provide guidance for land use planning efforts and water usage well into the future, late in 1976 the Group began an extensive public information/participation program to be carried out through the remainder of its studies and to conclude with the Commission's public hearings.

Upper Lakes Reference Group

The Commission in 1972 formed a fourteen member binational body to conduct a study of water quality in Lake Huron-Georgian Bay and Lake Superior. The International Reference Group on Upper Lakes pollution was asked to respond to four questions which the two Governments had referred to the Commission:

1. Are Lakes Superior and Huron being polluted?
2. If so, to what extent, by what causes, and where?
3. What measures would be most practicable to restore and protect water quality and what would such measures probably cost?
4. If pollution is taking place, what preventive actions should be taken to preclude future pollution and what would be the probable cost?

Four working groups assisted the Reference Group by undertaking studies of: nearshore problems; lakewide trends of physical, chemical, biological, bacteriological and geological characteristics; materials input; and background information on hydrology, climate, geology, population, land use and water use. Toward the close of 1975 the studies were completed and authors began preparing the three-volume report presented to the Commission in mid-1976. Volume 1 is a summary report, Volume 2 contains details regarding Lake Huron and Georgian Bay, and Volume 3 relates to Lake Superior.

Copies of these reports were sent to libraries as they became available. In June and July 1977 the Commission held hearings to ascertain the public's views before preparing its report to the Governments.

Other Joint Activities Under the Agreement

Programs and investigations required under several annexes to the Agreement are not coordinated by the International Joint Commission. These include a now completed study of dredging in the Great Lakes, control of pollution from shipping activities, a contingency plan for oil spills, vessel wastes regulation, and discharges of oil or hazardous polluting substances from onshore or offshore facilities. Agencies responsible for these programs report directly to the Governments.

Great Lakes Regional Office

Under the Agreement the International Joint Commission was given authority to establish a regional office to assist it in dealing with Great Lakes water pollution problems and to provide permanent professional and administrative assistance to the four boards and reference groups previously described.

In March 1973 staffing began. As of April 1, 1976, there was an authorized permanent staff of 32 persons, with the professional positions being equally divided between the two nations. Six engineers, four chemists, two biologists, a statistician, librarian, information officer, two administrative professionals, and fourteen support personnel had joined the permanent staff by fall 1976.

On behalf of the four Agreement organizations the Regional Office compiles and disseminates data, prepares and distributes reports, organizes and staffs workshops and conferences, performs liaison with media, organizations and citizens, provides information to the public, performs special studies, and provides secretariat support.

The Office also coordinates the Annual Meeting in Windsor at which the boards and the reference groups formally report to the Commission. This four-day meeting is open to the public.

To be placed on the mailing list of *Focus on Great Lakes Water Quality*, the Agreement newsletter, or to obtain a copy of the Water Quality Agreement Publications list, write to the IJC Great Lakes Regional Office: 100 Ouellette Avenue, 8th Floor, Windsor, Ontario N9A 6T3.

For more information concerning International Joint Commission activities not related to the 1972 Great Lakes Water Quality Agreement, write the Headquarters offices: 151 Slater Street, Suite 850, Ottawa, Ontario K1P 5H3 or 1717 H Street N.W., Washington, D.C. 20440.

